

Zoning Board of Appeals Meeting Minutes 5-12-16

Pursuant to notice duly filed with the Town Clerk, a public meeting of the Board of Appeals was held on Thursday May 12, 2016 at 7:30 p.m. in the First Floor Hearing Room, 141 Keyes Road, Concord, Massachusetts.

PRESENT:

Members:

Robert Sepucha, Chair
Stuart Freeland
John Brady
James Smith

John Minty, Building Commissioner
Andrew W. Mara, Administrative Assistant

Chair Sepucha called the meeting to order at 7:32 p.m.

Voting were: Robert Sepucha, John Brady, Stuart Freeland

Trustees of Reservations, for a Special Permit, under Sections 4.3.1, 4.3.4, 5.4.5, and 11.6, for temporary public art exhibit and to hold outdoor events associated with educational and philanthropic uses at 269 Monument Street (Parcel #1267)

Chairman Sepucha opened the public hearing and reviewed the Application.

Elizabeth Keary Soule and Armando Plata appeared at the hearing and presented the Application. The Applicants sought a Special Permit for a temporary public art exhibit and to hold outdoor events associated with educational and philanthropic uses at 269 Monument Street (the Old Manse). Ms. Keary Soule discussed the details of the art exhibit. The proposed art exhibit, titled *The Meeting House*, was designed by contemporary artist Sam Durant. She stated that the exhibit would focus on the African presence in colonial and post revolutionary Concord. Ms. Keary Soule noted that the exhibit would be situated in the North Field adjacent to the Old Manse. The Applicants sought to host three events over four months in conjunction with the temporary art exhibit. During the events, the proposed exhibit would serve as a meeting place for the community to interact, discuss, and debate relevant issues. It was noted that a Special Permit and Site Plan Review was granted in 2011 to hold similar outdoor events at the property.

Chairman Sepucha asked for comments from the Board.

At the request of Chairman Sepucha and Mr. Freeland, the Applicants confirmed that the art exhibit was not permanent and Mr. Plata reviewed the structural design of the exhibit. Mr. Plata stated that the exhibit would be installed on 12" by 12" concrete pavers. He noted that the pavers would allow the exhibit to withstand windy conditions while still maintaining the temporary nature of the exhibit.

Chairman Sepucha asked if the same conditions from the 2011 Special Permit were still appropriate for the current Application. The Applicants advised the Board that the same conditions were suitable for their current Application.

Chairman Sepucha asked Building Commissioner John Minty if he had any issues or concerns. The Building Commissioner advised the Board that the previous Special Permit had expired. Mr. Minty agreed that the previous conditions were still appropriate.

Mr. Freeland asked Building Commissioner Minty why the Application did not require Site Plan Review. Mr. Minty stated that no change of use was being proposed and he juxtaposed the requirements associated with principle and accessory uses. The Building Commissioner noted that all the same site conditions associated with the 2011 Site Plan Review, such as parking layout and event locations, would remain the same under the current Application. The Building Commissioner recommended that if the Board were to approve the Application, the Special Permit be valid for three years.

Chairman Sepucha asked for comments from the audience and there was none.

Mr. Freeland moved to grant to the Applicant, Trustees of Reservations, a Special Permit with conditions, for temporary public art exhibit and to hold outdoor events associated with educational and philanthropic uses at 269 Monument Street. Mr. Brady seconded. All **VOTED** in favor.

Thomas Wray Falwell on behalf of Period RT LCC, for an Amendment to an existing Special Permit, under Sections 7.7.2.1, 7.7.2.2, 7.7.2.12, and 11.6, for relief from the parking requirements for 11 additional spaces for a total of 19 spaces at 105 Thoreau Street (Parcel #0749)

Chairman Sepucha opened the public hearing and noted a letter dated May 5, 2016 was received by the Zoning Board of Appeals from the Applicant requesting to withdraw the Application without prejudice. Mr. Freeland moved to allow the Applicant, Thomas Wray Falwell on behalf of Period RT LCC, to withdraw without prejudice the Application for an Amendment to an existing Special Permit, at 105 Thoreau Street. Mr. Brady seconded. All **VOTED** in favor.

Other Business:

- *Approval of Minutes for 3/16/16 Site Visit*

Mr. Brady moved to APPROVE the minutes as written for March 16, 2016. Mr. Freeland seconded the motion. All **VOTED** in favor.

- *Approval of Minutes for 4/21/16 Meeting*

The minutes for the 4/21/16 meeting were not ready to be reviewed at this time.

- *Black Birch PRD Restrictive Covenant partial release*

Board members reviewed the Black Birch PRD Restrictive Covenant partial release memo from Town Planner Elizabeth Hughes dated May 12, 2016. Mr. Brady moved to grant the release of Unit 30 and 38 from the Restrictive Covenant dated August 31, 2015 recorded with the South Middlesex Registry of Deeds, Book 66122, Page 207. Mr. Freeland seconded. All **VOTED** in favor.

- *Election of Officers*

The Board decided to elect officers at their June 2016 meeting.

There being no further business, the meeting was adjourned at 7:48 p.m. on a motion by Mr. Smith. Mr. Brady seconded. All **VOTED** in favor.